

EXHIBIT 2

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

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FOX NEWS NETWORK, LLC,

Index No. _____

Plaintiff,

v.

ABBY GROSSBERG,

Defendant.

**AFFIRMATION OF KRISSY
KATZENSTEIN IN SUPPORT OF
EMERGENCY APPLICATION
FOR TRO AND PRELIMINARY
INJUNCTION**

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KRISSY KATZENSTEIN, an attorney duly admitted to practice in the courts of the State of New York, affirms pursuant to CPLR § 2106 and subject to the penalties of perjury, the following to be true:

1. I am a partner with the law firm of Baker & McKenzie LLP and counsel for Plaintiff Fox News Network, LLC (“Fox News”) in the above matter. I am fully acquainted with the facts of this matter.

2. I have personal knowledge of the facts hereinafter set forth, or am so informed, and I submit this Affirmation in support of Fox News’ request for emergency application for temporary restraining order and preliminary injunction.

3. Defendant Abby Grossberg (“Defendant” or “Ms. Grossberg”) has represented that she intends to file publicly privileged and confidential information belonging to Fox News without Fox News’ consent, which gives rise to this request for emergency relief.

4. The information that is the subject of this request relates to a lawsuit filed against Fox News by a third party (the “Unrelated Lawsuit”). Defendant has never been a party to the Unrelated Lawsuit. However, in that lawsuit, Ms. Grossberg, who first worked for Fox News on

a weekend morning show, served as a fact witness because of her role as a Fox News employee. Ms. Grossberg was deposed in the Unrelated Lawsuit in the Fall of 2022.

5. Before her deposition, Ms. Grossberg met with inside and outside counsel for Fox News on at least three separate occasions to provide Fox News' attorneys with information to assist in their provision of legal advice to Fox News and their defense of the case, as well as to prepare for Ms. Grossberg's deposition.

6. Five months after her deposition, on February 17, 2023, Parisis G. Filippatos, Esq. wrote to Fox News' senior management on behalf of Ms. Grossberg, threatening to assert employment-based discrimination and retaliation claims against Fox News. The letter described the meetings Ms. Grossberg had with Fox News' attorneys in the Unrelated Lawsuit, making it clear that Ms. Grossberg had divulged Fox News' attorney-client privileged information to her attorney without Fox News' consent.

7. Shortly thereafter, Mr. Filippatos provided Fox News with a draft complaint that he said he intended to file on behalf of Ms. Grossberg, captioned in the New York Supreme Court. The draft complaint includes over 6 pages of allegations regarding the meetings between Ms. Grossberg and inside and outside counsel for Fox News, including alleged quotations attributed to Fox News' lawyers and Ms. Grossberg during those meetings.

8. On March 10, 2023, counsel for Fox News sent Ms. Grossberg's counsel a letter, putting Ms. Grossberg on notice that portions of her draft complaint contain Fox News' privileged and confidential information and demanding that Ms. Grossberg not disclose any such information, including in any complaint that she intends to file against Fox News.

9. On March 13, 2023, Ms. Grossberg's counsel informed counsel for Fox News that she does not believe the information is privileged and intends to file publicly a complaint containing this information.

10. On March 18, 2023, Ms. Grossberg's counsel again reiterated that Ms. Grossberg does not view the communications between herself and Fox News' counsel as protected by Fox News' attorney client privilege.

11. On March 20, 2023, counsel for Defendant provided Fox News with two draft complaints, one captioned for filing in the Southern District of New York, which is a revised version of the original draft complaint, and the second captioned for filing in the Superior Court for the State of Delaware. Both draft complaints continue to include the Fox News' privileged information.

12. Fox News will suffer significant prejudice if notice of this application for temporary restraining order is provided to Ms. Grossberg. To date, Ms. Grossberg, through her counsel, has maintained that she intends to file publicly Fox News privileged and confidential information in a complaint against Fox News for unrelated discrimination and harassment claims. That complaint has already been drafted. If notice of this application is provided in advance of securing a temporary restraining order, Ms. Grossberg could proceed immediately with filing her complaint, before a temporary restraining order is secured, causing significant prejudice to Fox News because its privileged and confidential information will be released into the public domain; an act which cannot be undone. Accordingly, to ensure that there is no improper and irreversible disclosure of this information, notice cannot be given to Ms. Grossberg without the risk of significant prejudice.

13. Further, because Ms. Grossberg has represented that she intends to file her complaints imminently, this request is emergent and necessitates attention on an emergency basis.

Executed: March 20, 2023
New York, New York



Krissy Katzenstein